

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Travis Clark,)	
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
Officer Michael Carlson, Officer)	
Dan Salandar, and the City of)	Case No. 1:18-cv-026
Bismarck,)	
)	
Defendants.)	

On July 16, 2019, the court held an impromptu telephonic status conference in the above-entitled action. Attorney Nicollete Ward appeared on plaintiff's behalf. Attorney Randy Bakke appeared on defendants' behalf.

The purpose of the conference was to discuss issues that arose at the outset of the deposition of Lindsey Gerhardt, plaintiff's girlfriend/fiancé. According to the parties, Ms. Gerhardt appeared for a deposition noticed by defense counsel for the afternoon of July 16, 2019. However, she declined to meaningfully participate in the deposition unless and until she first consulted with an attorney, which is her right. She further advised that, absent an order from the court, she would not answer any questions. Defense counsel ended the deposition and the parties contacted the court seeking its guidance on how to proceed.

Pursuant to its discussion with the parties, the court **ORDERS**:

- (1) Defense counsel may reschedule Ms. Gerhardt's deposition.
- (2) Ms. Gerhardt shall appear for the deposition as rescheduled. She has the right to retain counsel, who may appear with her at the deposition. Absent an objection or

an instruction by her counsel not to answer, she shall answer the questions posed to her to the best of her ability.

- (3) The transcript of Ms. Gerhardt's deposition shall be sealed pending further order of the court.

Ms. Gerhardt is urged to be expeditious in her retention of counsel. Whomever she retains should promptly contact defense counsel to discuss/work out the logistics of her deposition.

IT IS SO ORDERED.

Dated this 17th day of July, 2019.

/s/ Clare Hochhalter
Clare Hochhalter, Magistrate Judge
United States District Court